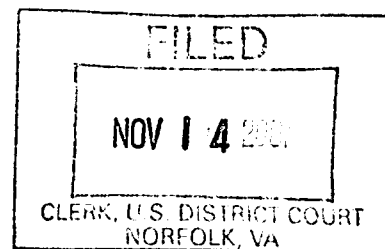


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Newport News Division



UNITED STATES OF AMERICA	)	CRIMINAL NO. <i>4:07CR146</i>
)	
v.	)	8 U.S.C. §§ 1324(a)(1)(A)(v)(I) and
	)	1324(a)(1)(B)(i)
	)	Conspiracy to Harbor Illegal Aliens for
PEABODY CORP.	)	Financial Gain
(Counts 1 and 2)	)	(Count One)
)	
YVONNE MICHELLE PEABODY	)	42 U.S.C. § 408(a)(7)(B)
(Counts 3 and 4)	)	Misuse of Social Security Number
	)	(Count 2)
WILLIAM FRANCIS PEABODY)	
(Count 4)	)	18 U.S.C. §§ 1030(a)(2)(B), 1030(c)(2)(a) and
	)	2
	)	Unauthorized Access of a Government
	)	Computer
Defendants.	)	(Count 3)
)	
	)	8 U.S.C. §§ 1324a(a)(2) and 1324a(f)(1)
	)	Pattern and Practice of Unlawful
	)	Employment of Aliens
	)	(Count 4)
)	
	)	18 U.S.C. § 982(a)(6)
	)	8 U.S.C. § 1324(b)
	)	Forfeiture

CRIMINAL INFORMATION

THE UNITED STATES ATTORNEY CHARGES THAT:

INTRODUCTORY ALLEGATIONS

At all times relevant to this information:

1. PEABODY CORP. is a business owned by WILLIAM FRANCIS PEABODY and other members of his family. PEABODY CORP. is associated with five other businesses owned

by WILLIAM FRANCIS PEABODY which owns and operates eight trawlers. Each of these trawlers has a scallop fishing permit issued by the National Oceanographic and Atmospheric Association that allows them to fish several times during the year.

2. WILLIAM FRANCIS PEABODY is the president of PEABODY CORP.

3. YVONNE MICHELE PEABODY is Vice President of PEABODY CORP. and assists the day to day administrative operations of PEABODY CORP.

COUNT ONE

THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:

1. The allegations set forth in the "Introductory Allegations" section of this information are realleged and incorporated by reference as if fully set forth here.

2. From in or around at least February 2003, the exact date being unknown, up to and continuing through February 2007, in the Eastern District of Virginia and elsewhere, defendant PEABODY CORP. and others, both known and unknown, did unlawfully, knowingly, and intentionally combine, conspire, confederate and agree together to commit the following offenses against the United States:

To knowingly and in reckless disregard of the fact that aliens had come to, entered and remained in the United States in violation of law, conceal, harbor and shield from detection and attempt to conceal, harbor, and shield from detection said aliens for the purpose of commercial advantage and private financial gain, in violation of Title 8, United States Code, Sections 1324(a)(1)(A)(iii) and 1324(a)(1)(B)(i);

WAYS, MANNER AND MEANS TO ACCOMPLISH THE CONSPIRACY

The ways, manner and means by which this conspiracy was carried out included, but were not limited to, the following:

1. It was part of the conspiracy for PEABODY CORP. to systematically hire citizens of Mexico and other countries who had illegally entered into the United States for purposes of employment.

2. It was part of the conspiracy for PEABODY CORP. and other co-conspirators to hire and pay illegal aliens who produced false documentation sometimes in different names or with different identifying numbers.

3. It was part of the conspiracy for PEABODY CORP. to ignore warnings from the Internal Revenue Service that indicated the identifying social security numbers associated with Peabody employees were not valid.

4. It was part of the conspiracy for PEABODY CORP. to advise Coast Guard Authorities who boarded Peabody vessels that they were not aware crew members were illegal aliens, and to continue to employ these same illegal aliens after the Coast Guard Authorities had left.

5. It was part of the conspiracy for co-conspirators to counsel illegal aliens to purchase "good" fake identifications because the Coast Guard would seize any documents that were obviously fraudulent which would prevent law enforcement from detecting and arresting the employees of PEABODY CORP.

6. It was part of the conspiracy for PEABODY CORP. to harbor said illegal aliens on Peabody boats that were at sea for up to two weeks at a time, in multiple jurisdictions along the Eastern Seaboard, which prevented the Department of Homeland Security from detecting and

arresting said illegal aliens.

7. It was part of the conspiracy for the PEABODY CORP. to harbor approximately 126 illegal aliens from February 2003 until February 2007.

8. It was part of the conspiracy for the PEABODY CORP. to pay the illegal aliens substantial wages which facilitated the illegal aliens staying in the United States and provided a continuous labor pool from which PEABODY CORP. hired crewmembers.

OVERT ACTS

In furtherance of the conspiracy, and to accomplish the objects of the conspiracy, the following overt acts, among others, were committed in the Eastern District of Virginia and elsewhere:

1. In or about 2004, a co-conspirator hired Hector H. using the social security number xxx-xx-3086, after PEABODY CORP. had received notice from the Internal Revenue Service on September 22, 2003, that social security number xxx-xx-3086 did not belong to Hector H.

2. In or about 2004, a co-conspirator employed Hector H. on multiple fishing trips on multiple vessels, which allowed Hector H. to travel and work without the threat of detection and arrest by the Department of Homeland Security.

3. On or about November 14, 2004, a co-conspirator employed Walfred S. using social security number xxx-xx-3062 after PEABODY CORP. received notice from the Internal Revenue Service on September 22, 2003 which stated that social security number xxx-xx-3062 did not belong to Walfred S.

4. On or about November 14, 2004, a co-conspirator employed Hector J. using social security number xxx-xx-3021 after PEABODY CORP. received notice from the Internal

Revenue Service on September 22, 2003, which stated that social security number xxx-xx-3021 did not belong to Hector J.

5. In or about 2004, a co-conspirator employed Hector J. and Walfred S. on multiple fishing trips on multiple vessels, which allowed them to travel and work without the threat of detection and arrest by the Department of Homeland Security.

6. In or about the early part of 2006, PEABODY CORP. reported Hector H.'s earnings via a form 1099 on which PEABODY CORP. reported Social Security number xxx-xx-3086 as belonging to Hector H.

7. On or about October 6, 2006, a co-conspirator employed Juan A. using social security number xxx-xx-4328 after PEABODY CORP. received notice from the Internal Revenue Service on October 24, 2005, which stated that social security number xxx-xx-4328 did not belong to Juan A.

8. In or about 2006, a co-conspirator employed Juan A. on multiple fishing trips on multiple vessels, which allowed him to travel and work without the threat of detection and arrest by the Department of Homeland Security.

(In violation of Title 8, United States Code, Sections 1324(a)(1)(A)(v)(I) and 1324(a)(1)(B)(i), and Title 18, United States Code, Section 2).

COUNT TWO

THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:

In or about early 2006, in Newport News, Virginia, in the Eastern District of Virginia, defendant PEABODY CORP., for the purpose of obtaining something of value, that is, employment of an illegal alien, did willfully, knowingly, and with intent to deceive, falsely

represent social security account number xxx-xx-3086, which was assigned by the Commissioner of Social Security to another person, to be the social security account number assigned to Hector H.(redacted).

(In violation of Title 42, United States Code, Section 408(a)(7)(B)).

COUNT THREE

THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:

On or about July 13, 2004, in Newport News, Virginia, in the Eastern District of Virginia, defendant YVONNE MICHELLE PEABODY aided and abetted another individual to intentionally access a computer owned by the United States Coast Guard, an agency of the United States, in a manner that exceeded authorized access and thereby obtained information from the National Oceanographic and Atmospheric Association, an agency of the United States.

(In violation of Title 18, United States Code, Sections 1030(a)(2), 1030(c)(2)(A) and 2).

COUNT FOUR

THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:

From in or about February 2003 until in or about February 2007, in Newport News, Virginia, in the Eastern District of Virginia, defendants YVONNE MICHELLE PEABODY and WILLIAM FRANCIS PEABODY, after hiring aliens for employment in accordance with Title 8, United States Code, Section 1324a(a)(1), knowingly and unlawfully engaged in a pattern and practice of continuing to hire aliens for employment in the United States knowing said aliens were unauthorized aliens with respect to such employment,

(In violation of Title 8, United States Code, Section 1324a(a)(2) and 1324a(f)(1)).

FORFEITURE ALLEGATION

THE UNITED STATES ATTORNEY FURTHER ALLEGES THAT:

1. The defendant, PEABODY CORP., if convicted of Count One of this Information, as part of the sentencing of the defendant pursuant to F.R.Cr.P. 32.2, shall forfeit to the United States:

a. Any conveyance, including any vessel, vehicle or aircraft, that has been or is being used in the commission of the violation;

b. The gross proceeds of such violation or any property traceable to such proceeds; and,

c. Any and all property, real or personal, constituting, derived from, or traceable to any proceeds the defendant obtained, directly or indirectly, as the result of such violations.

2. The property subject to forfeiture under paragraph 1 includes a sum of money of six million, nine hundred and eight thousand, and six hundred and thirty-eight dollars (\$6,908,638.00) in United States currency, which represents the proceeds of the charged offense, which upon entry of an order of forfeiture shall be reduced to a monetary judgment.

(All in violation of Title 8, United States Code, Section 1324(b), and Title 18, United States Code, Section 982(a)(6)(A).)

DANA J. BOENTE
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